

## **2010-2016 Bathurst Street – Official Plan Amendment and Zoning Amendment - Final Report**

Date: September 23, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: Ward 12 - Toronto-St. Paul's

**Planning Application Number:** 18 246984 STE 21 OZ

### **SUMMARY**

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This report reviews and recommends approval of the applications to amend the Official Plan, City of Toronto Zoning By-law 569-2013 and former City of York Zoning By-law 1-83 for 2010-2016 Bathurst Street, to permit an 8-storey, 29.65 metre (35.75 metres including mechanical penthouse), residential apartment building with 26 dwelling units and a total gross floor area of 4,632 square metres. The overall density is 5.0 times the area of the lot. A total of 40 vehicular parking spaces are proposed within 3 levels of underground parking. Entry to the underground garage is proposed at the southwest corner of the building from the adjacent substandard public laneway which is required to be widened by 1.06 metres.

The proposed development is consistent with the Provincial Policy Statement (2014) as it provides a density and a mix of land uses which efficiently use land and resources. It is also transit-supportive being in close proximity to the future Eglinton LRT station at Bathurst Street and Eglinton Avenue West.

The proposal conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) as it provides for an appropriate type and scale of development that provides an acceptable transition of built form to adjacent areas.

The proposed building is to be located and massed to provide a transition to neighbouring properties through appropriate setbacks and stepping down of height toward the *Neighbourhoods* and to adequately limit shadow impacts on those adjacent lower scale residential areas.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 2010 Bathurst Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5 to the Report (dated September 23, 2019) from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 2010-2016 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the Report (dated September 23, 2019) from the Director, Community Planning, Toronto and East York District.
3. City Council amend Zoning By-law 1-83, for the lands at 2010-2016 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the Report (dated September 23, 2019) from the Director, Community Planning, Toronto and East York District.
4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.
5. A Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director of City Planning, in consultation with the ward Councillor, be secured as part of the Site Plan Approval.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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The current applications were submitted on October 23, 2018. A Preliminary Report on the applications was adopted by the Toronto and East York Community Council on February 14, 2019 authorizing staff to conduct a community consultation meeting and requiring that a Construction Management Plan be submitted prior to the Final Staff Report. The report can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.65>

The Phase 1 (Part 1) Implementation Report for the Eglinton Connects Planning Study was considered by City Council at its meeting of July 8, 2014. From this report, City Council adopted Official Plan Amendment No. 253 that included, among other things, a Site and Area Specific Policy No. 476 requiring specific provisions for the configuration of the public laneway system at the rear of the site as part of a continuous public rear

laneway system along most sections of Eglinton Avenue west of Yonge Street. City Council also adopted a resolution directing staff to implement the Eglinton Connects Streetscape Plan as development proceeds along Eglinton Avenue West. The applicant and a number of other parties have appealed OPA #253 to the Ontario Municipal Board.

The report and Council's direction are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.1>.

## **SITE AND SURROUNDING AREA**

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### **Site and Surrounding Area**

The rectangular-shaped site is located on the west side of Bathurst Street and south of Eglinton Avenue West. It is approximately 937 square metres in area, and has a frontage of approximately 31.04 metres along Bathurst Street.

The site is currently occupied by a two-storey mixed-use building and two-storey house-form building containing a dentist office. There are four residential units located within the two existing buildings. To the west of both buildings is a substandard public laneway which provides access to a paved area for vehicular parking spaces at the rear of both buildings. The two-way public laneway has access from Peveril Hill Street North and Dewbourne Avenue.

Along Bathurst Street there are no street trees within the public sidewalk. Public trees are located within front lawns and are significantly setback from the sidewalk.

Uses and structures near the site include:

**North:** of the site is a two-storey commercial building at 859 Eglinton Avenue West. A proposal at 859, 861 and 875 Eglinton Avenue West for a 14-storey mixed-use building was approved by the Local Planning Appeal Tribunal (LPAT). The LPAT has issued a decision however the final order remains outstanding.

**South:** of the site is a dental office, located in a house-form 2-storey building. Further south, along Bathurst Street the built form changes from 2-storey house-form buildings to 4-storey apartment buildings. A proposal for two 6-storey rental apartment buildings at 1996-2000 Bathurst Street was approved by City Council on March 9, 2017.

**West:** of the site is a public laneway. The public laneway provides access to properties fronting Bathurst Street. To the west of the public laneway are single detached houses.

**East:** of Bathurst Street is a two-storey house form building containing a dental office and then a two storey commercial building at the corner at Eglinton Avenue West. Further east is a residential neighbourhood with primarily single detached houses.

See Attachment No. 1: Location Map

## PROPOSAL

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Proposed is an 8-storey or 29.65 metre apartment building (35.75 metres including mechanical penthouse) with 26 residential units including 2 live/work units on the ground floor, and a total gross floor area of 4,632 square metres.

The ground floor is set back approximately 2.3 metres from the east property line except for two columns that extend to the property line framing the entrance to the residential lobby. The 2.3 metre setback continues up the centre of the building, but the north and south portions of the second to sixth floor façade is built to the property line. The building then steps back approximately 2.3 and 5.33 metres at the seventh and eighth floor, respectively.

The building is proposed to be built to the north property line with a 5.57 metre stepback at the eighth floor.

The first five floors of the building are proposed to be built to the south property line with step backs of approximately 2.87, 5.3 and 6.82 metres from at the sixth, seventh and eighth floors, respectively.

At the rear of the building, the proposal provides a 1.06 metre widening of the public lane for the portion of the site which abuts the lane. At the ground floor the setbacks vary from 3.5 metres at the north end to 8.5 metres at the south end of the building.

The second, third and fourth floors are set back 2.6 metres at the north end and 4.6 metres at the south end from the proposed property line. At the fifth, sixth and seventh floor the building steps back approximately 8.1, 11.6 and 11.6 metres from the proposed west property line, except for a portion at the north end which maintains the setback from fourth floor. At the eighth floor the building a setback of 13.5 metres is provided.

The residential indoor amenity space is located on the ground floor and the outdoor amenity space is located on the mechanical penthouse level.

Table 1: Unit Type Breakdown

Unit Type	Unit Count	Percentage
1-bedroom	12	46%
2-bedroom	11	42%
3-bedroom	3	12%
Total	26	100%

The application proposes a 3-level underground parking garage which provides 40 vehicular parking spaces (35 residential and 5 visitor). Entry to the underground garage is proposed at the rear of the building along the west property line from the public lane. The public laneway is substandard and is required to be widened by 1.06 metres. There

is no vehicular access from Bathurst Street. The application also proposes 23 bicycle parking spaces located within two secure rooms on the ground floor which are accessed from the rear of the building and 6 visitor bicycle parking spaces located outside at the front of the building. Solid Waste pick-up will occur at the curb along Bathurst Street.

See Attachment No. 2 for Application Data Sheet

The current proposal incorporates a number of revisions from the original application as summarized below:

- First floor height at the front of the building increased from 3.05 metres at the north end and 4.5 metres at the south end of the building to achieve Performance Standard 3 of the Mid-Rise Building Performance Standards.
- The building height increased from 29 metres to 29.65 metres to accommodate the first floor height of 4.5 metres.
- The second and third floors building setback was increased from 1.5 metres to 5.0 metres at the rear of the building to mitigate overlook onto *Neighbourhood* properties to the west.
- An additional stepback at the eighth storey of 6.82 metres to better transition to the lower-scale properties to the south.
- The elimination of columns at the front on the building at the north end of the site in order to achieve an accessible pedestrian sidewalk with a clearway of 2.1 metres and to open up the ground level in front of the building where the sidewalk is the most narrow.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements as well as to provide feedback on the proposal.

The following reports/studies were submitted in support of the application:

- Survey
- Plans and Drawings
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Landscape Concept Plan
- Sun/Shadow Study
- Community Services and Facilities Study
- Toronto Green Standards Checklist
- Planning Justification Report
- Public Consultation Plan
- Arborist Report and Tree Preservation Plan
- Transportation Impact Study
- Functional Servicing and Stormwater Management Report

- Hydrogeological Geotechnical Engineering Assessment
- Environmental Noise and Vibration Impact Letter of Opinion
- Energy Strategy Plan
- Pedestrian Level Wind Report
- Phase 1 Environmental Site Assessment
- 3D Massing Model
- Construction Management Plan

Copies of the submitted documents are available on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre>.

### **Application Complete Date**

The application was deemed complete as of October 23, 2018.

### **Agency Circulation Outcomes**

The application together with the submitted reports noted above, were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Official Plan amendment and Zoning By-law standards.

### **Reasons for Application**

The application proposes to extend the Commercial Residential zoning designation, which currently exists over part of the site, across the entirety of the site.

The Zoning By-law Amendment application also seeks to obtain relief from some of the development criteria in Zoning By-law 569-2013 and Zoning By-law 1-83 including those related to height, density, building type, and setbacks, among others.

The Official Plan Amendment application is required because Site and Area Specific Policy No. 44 – 2000-2010 Bathurst Street requires commercial uses to be in a house-form building type.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that

is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, (2019) establishes policies that require implementation through a Municipal Comprehensive Review (the "MCR"), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site; Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the



Growth Plan, (2019). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan, (2019).

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City will update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs will achieve appropriate densities and built form at that time, and this approval does not impact this matter that will require a MCR. To date, MTSAs have not been delineated by the City.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan and Site and Area Specific Policy No. 44 as follows:

### Chapter 2 - Shaping the City

The subject site is located within a *Mixed Use Area* that is adjacent to *Neighbourhoods*. Development at the boundary points between the neighbourhoods and growth areas must demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of the adjacent neighbourhood areas are not adversely affected. Policy 2.3.1.3 provides criteria for development in *Mixed Use Area* that are adjacent to *Neighbourhoods* including, among other criteria, that new development must: be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; maintain adequate light and privacy for residents in those *Neighbourhoods*; and ensure that lighting, amenity areas, traffic and parking impacts on *Neighbourhoods* are minimized and mitigated.

### Chapter 3 - Building a Successful City

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks, and other open spaces that residents and visitors use to get around the city and connect with each other. Streets, sidewalks, and other open spaces should be designed to be safe, accessible, enjoyable, connected, and related appropriately to adjacent and nearby buildings. The Built Form policies (3.1.2) state that new development will be located and organized to fit with its existing and/or planned context.

### Chapter 4 - Land Use Designations

The subject site is designated *Mixed Use Areas* on Map 17 - Land Use Plan. *Mixed Use Areas* are described as areas made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Policies in the Official Plan speaking to development in *Mixed Use Areas* state that development will reduce automobile dependency, locate and mass new

buildings to provide a transition between areas of different development intensity and scale, frame the edges of streets with good proportion, and maintain comfortable wind conditions for pedestrians on adjacent streets (4.5.2).

See Attachment No. 3: Official Plan Land Use Map

### **Official Plan Amendment 320**

The Local Planning Appeal Tribunal (LPAT) issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment 320 (OPA 320). The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants. In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

### **Site and Area Specific Policy No. 44**

Site and Area Specific Policy (SASP) No. 44 applies to 2000 - 2010 Bathurst Street. It states that commercial uses will be restricted to offices in house form buildings.

The outcome of staff analysis and review of relevant Official Plan policies and designations and Site and Area Specific OPAs are summarized in the Comments section of the Report.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Zoning**

The site is subject to City of Toronto Zoning By-law 569-2013 is subject to the regulations of two different zones. The southern portion of the site (2010-2012 Bathurst Street) is zoned RM (u3) (x253). The zone permits detached, semi-detached and triplex building types and a maximum permitted height of 10 metres. The site specific provision restricts building type, lot frontage, building height, FSI and setbacks.

The northern portion of the site (2014-2016 Bathurst Street) is designated CR SS2 (x2630). The CR designation permits dwelling units in apartment buildings, mixed-use buildings and townhouses and has a maximum permitted height of 24 metres or 8-storeys. The site specific provision permits a height of 25.5 metres, regulates building setbacks for buildings that front Eglinton Avenue, and restricts uses on the first floor of a building.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/zoning>

The site is also subject to the former City of York Zoning By-law Zoning 1-83 and is subject to the regulations of two different zones. The southern portion of the site (2010-2012 Bathurst Street) is zoned R3 and permits detached houses, duplexes, townhouses, triplexes, and double duplexes and triplexes.

The northern portion of the site (2014-2016 Bathurst Street) is zoned MCR S16(123) which permits townhouses, apartments, commercial/retail, institutional and office uses.

See Attachment No. 4: Existing Zoning By-law Map

## **Design Guidelines**

### **Avenues and Mid-Rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the performance standards is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

### **Draft Growing Up Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at: <https://www.toronto.ca/city-government/planningdevelopment/planningstudiesinitiatives/growing-up-planning-for-children-in-new-verticalcommunities>

## **Site Plan Control**

The proposal is subject to Site Plan Control. An application was submitted on July 23, 2019 which is currently under review.

## **COMMUNITY CONSULTATION**

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City staff hosted a Community Consultation Meeting on February 11, 2019. Approximately 6 members of the public were in attendance as well as the Ward Councillor. Following a presentation by City staff and the applicant, the following issues for the proposed development were raised by community members:

- Traffic impacts on Peveril Hill North and adjacent public laneway;
- Local school capacity;
- Lack of parks and green space in area for existing residents;
- Traffic congestion at Bathurst Street at Eglinton Avenue West; and
- Ability to construct development given Eglinton LRT construction and road closures and approved development at 875 Eglinton Avenue West (north of subject site).

These comments have been considered in the review of the application.

## **COMMENTS**

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### **Planning Act**

The proposed development has regard for the relevant matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests are further articulated through the PPS (2014) and the Growth Plan (2019).

### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2014) and A Place to Grow: Growth Plan (2019).

Staff have determined that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2019) as follows:

The PPS provides for a coordinated and integrated approach to planning matters within municipalities. Speaking to sustaining the health, livability, and safety of communities, Policy 1.1.1 states that land use should accommodate an appropriate range and mix of uses to meet long-term needs, avoid development which may cause environmental or

public health and safety concerns, and that promote development that conserves biodiversity and considers the impacts of a changing climate.

The proposed development adequately addresses Policy 1.1.1 objectives by designing the building to transition down to the residential neighbourhood to the west. The proposed residential building has a unit mix that provides an adequate amount of both two to three-bedroom family-size units and smaller one-bedroom units. It also consists of live/work units at grade. Its green roof area meets the City's Tier 1 Green Standards requirements.

Policy 1.1.3.2 applies to land use patterns within Settlement Areas as identified in the PPS. Policy 1.1.3.2 specifies that land use patterns in the development areas shall be based on a) densities and a mix of land uses which among other matters, efficiently use land and resources, and are transit supportive, where transit is planned, exists or may be developed.

The proposed development is consistent with Policy 1.1.3.2 a) 1. densities and a mix of land uses which efficiently use land and resources. The proposed building has an acceptable density of approximately 5.0 times the area of the lot, provides residential uses in an efficiently designed mid-rise building and is permitted to host commercial uses at ground level. It is also consistent with Policy 1.1.3.2 a) 5. in that it is transit-supportive, being located less than 250 metres from the planned Eglinton LRT Forest Hill Station and along a 24-hour bus route.

Policy 1.6.7.4 states land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation. The proximity of the subject site to the Eglinton LRT station and bus route is consistent with this PPS policy goal.

The Growth Plan (2019) designates the site within a Built-up Area. Section 2.2.2.(3) c) (Delineated Built-up Areas) states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will encourage intensification generally throughout the delineated built up area.

The proposal conforms with the Growth Plan (2019) Section 2.2.2 (3) c) in that the proposed development intensifies Bathurst Street in a delineated built-up area of Toronto, in a designated *Mixed Use Area* where mid-rise buildings are considered to be appropriate form of development. The proposed mid-rise building provides a transition in an acceptable setback and stepbacks from the adjacent house form properties to the south and the residential neighbourhood to the west.

The proposal also conforms with the Growth Plan (2019) Section 2.2.2 (3) c) as it provides for appropriate intensification between Eglinton West and St. Clair West subway nodes and recognizes that this site will be adjacent to the entrance to the future Eglinton LRT Forest Hill station.

## Land Use

This application has been reviewed against the Official Plan policies, applicable SASPs, as well as the policies of the Toronto Official Plan as a whole. The site is designated *Mixed Use Area* which provides for a range of uses including residential and commercial / retail uses. The proposed mid-rise development consists of residential uses and live/work units on the ground floor. Staff recommend the removal of SASP No. 44 for the lands at 2010 Bathurst Street as commercial / retail uses will be permitted in a built form that is not a house form.

The mix of uses is consistent with the surrounding land uses and the live-work units on the ground floor are consistent with the pattern of commercial / retail uses on the ground floor of buildings to the south of the subject site along Bathurst Street. As such, staff have no concerns with the proposed uses of the development.

## Unit Mix

A total of 3 three-bedroom (11.5%) and 11 two-bedroom (42%) units are proposed. This supports the objectives of the Growing Up Guidelines which state that a building should provide a minimum of 25% large units: 10% of the units should have three bedrooms, and 15% of the units should have two bedrooms. The City's Official Plan housing policies and the Growth Plan's growth management and housing policies direct that new development should accommodate a broad range of households, including families with children. Staff are of the opinion that the proposed development would achieve this direction.

## Density, Height, Massing

Official Plan Section 2.3.1 – Healthy Neighbourhoods provides policy direction on development in Mixed Use Areas. The performance standards of the Avenues and Mid-Rise Buildings Guidelines (Mid-Rise Guidelines) provide guidance pertaining to size, shape and quality of mid-rise buildings that are intended to implement this section of the Official Plan.

The proposed development has been reviewed against policies from the Official Plan, and the pertinent performance standards from the Mid-Rise Guidelines, including the performance standards addendum.

In addition to the above, the intent of the existing zoning designations as well as the local context were also considered and used to formulate the building envelope. The southern portion has an existing multi residential zoning designation with a maximum permitted height of 10 metres. The northern portion of the site has a mixed commercial residential designation with an existing maximum permitted building height of 8-storeys or 25.5 metres. Its proximity to Eglinton Avenue West, which is designated an *Avenue* in the Official Plan, as well as a recently approved mixed-use building to the north at 875 Eglinton Avenue with an 8-storey podium and a maximum height of 14-storeys or 48.7 metres was considered when evaluating the appropriateness of the proposed building height of 8-storeys or 29.0 metres in addition to a 6.0 metre mechanical penthouse.

In the initial proposal, due to the change in grade along Bathurst Street, the floor-to-ceiling height of the ground floor varied creating a low ceiling height at the north end of the building which resulted in a suboptimal space for commercial uses and a low podium cantilever over the sidewalk, and did not align with the building podium to the north. Staff requested a slight increase in height to allow for a more appropriate floor to ceiling height at the ground floor, improving the overall building design and functionality.

Performance Standard 1 of the Mid-Rise Performance Standards identifies that the maximum allowable height of the Avenues will be no taller than the width of the public right-of-way. On Bathurst Street, which has an existing right-of-way width of approximately 27 metres at this location, the mid-rise building can be 27-metres in height, or approximately 8-storeys.

While there is a 2.0 metre difference between the existing right-of-way width and the building height, staff concluded that the 29.0 metre building height resulted in an improved floor to ceiling height at the ground floor, no additional shadow impact to the adjacent *Neighbourhoods* and was within the intent of the Mid-Rise Performance Standards. The proposed height also provides an appropriate transition from the taller buildings at Eglinton Avenue West and Bathurst Street down toward the lower scale *Neighbourhoods* to the south and is generally consistent with heights of other recently approved mid-rise buildings in the area.

Performance Standard 4A of the Mid-Rise Performance Standards recommends that buildings meet a 45-degree angular plane along the front facade, measured at a height of 80% of the right-of-way width.

The majority of the proposed building complies within the front façade 45-degree angular plane performance standard excluding encroachments into the angular plane by the front terraces and railings at the seventh and eighth floor and a small portion of the unit on the eighth floor.

As a measure for providing a gradual transition to the *Neighbourhood* designated properties at the rear, Performance Standard 5A of the Mid-Rise Performance Standards recommends that buildings meet a 45-degree angular plane measured from the adjacent *Neighbourhoods* designated lot lines.

The majority of the proposed building complies within the 45-degree angular plane performance standard measured from the rear *Neighbourhoods* lot line with encroachments out of the angular plane by rear terraces and railings at the fourth, fifth and sixth floor and small portions of the units on the seventh and eighth floors. On the northern portion of the building the mechanical penthouse projects into the angular plane.

Planning staff are satisfied that the built form that is outside of the angular plane does not result in any significant shadow impact to the *Neighbourhoods* designated areas to the east and west of the subject site or the sidewalks on Bathurst Street and that the building appropriately transitions down to these lower scaled areas.

With respect to massing, the proposal has been sited, massed and articulated in a way to reduce the impact of the mid-rise building. The Official Plan (Policy 4.5.3(c)) requires buildings to be located and massed to provide a transition through appropriate setbacks and/or a stepping down of heights towards lower scale *Neighbourhoods*, and Policy 4.5.2(d) requires buildings to be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*.

The applicant revised the proposal to provide an additional 3.0 metre setback in addition to the 7.5 metre setback from the *Neighbourhoods* lot line for the south half of the building on the second, third and fourths floor further mitigating potential privacy and overlook issues. The upper floors are stepped back to provide transition down to the house form adjacent buildings to the south and residential neighbourhood to the west. The setbacks also minimize the shadow impact to the residential neighbourhood to the east.

The proposed building has a density of 5.0 FSI which is appropriate given the approved densities at 875 Eglinton Avenue West at 7.36 FSI (north of the site) and 2000 Bathurst Street at 3.42 FSI (south of the site). The densities of proposed and approved buildings along the west side of Bathurst Street decrease as they approach *Neighbourhoods* designated areas.

Given the existing and planned context for the subject property and the surrounding area, staff are of the opinion the proposed built form, including the density, height, massing and transition is appropriate in this location.

### **Sun, Shadow**

The Sun/Shadow Study submitted in support of the application indicates there would be very limited shadow impacts, beyond the as-of-right shadow, on the rear parking area of one adjacent *Neighbourhood* property to the west between 9:18 am and 11:18 am and on a small portion of the front yards of six *Neighbourhood* properties across the street on Rosemary Lane to the east from 4:18 pm to 6:18 pm during the spring (March 21) equinox. Shadows for the autumn (September 21) equinox are similar to the spring equinox. The shadows in June are significantly less than in March and September. Staff are of the opinion the shadow impacts of the proposed development are acceptable.

### **Public Laneway Widening**

A 1.06 metre lane widening is required along the rear of the property to satisfy the requirement of a 6.0 metre wide lane right-of-way. The lane currently has an approximate width of 4.88 metres. Due to site constraint, Transportation Services will accept a strata conveyance for the lane widening (1.06m) to permit the underground parking garage. The strata conveyance must be a minimum depth of 1.2 metres from the finished grade. The applicant is aware of this requirement.

The requirement for the subject site and the property to the north to widening the laneway both in the east-west and north-south directions achieves the preferred laneway configuration.



## **Traffic Impact, Access, Parking and Loading**

In support of the proposal, a Transportation Impact Study by Nextrans Consulting, dated October, 2018, revised April 1, 2019 was submitted. The study estimates that the proposed development will generate 8 and 7 two-way vehicular trips during AM and PM peak hours, respectively. The study concludes that the proposed development can be adequately accommodated by the existing transportation network. Transportation Services staff concur with these findings.

Vehicular access is provided via the existing two-way public laneway at the back of the site. The site entrance will be controlled by a signal system that will provide access for one existing vehicle or one entering vehicle at a time.

A total of 40 vehicular parking spaces (35 residential and 5 visitor) are proposed for the development, which meets the by-law requirement. A total of two accessible spaces are proposed for the subject site, and which satisfies the Zoning By-law requirement however the precise location of these spaces will be secured through the Site Plan review process.

The application proposes 23 bicycle parking spaces located within two secure rooms on the ground floor which are accessed from the rear of the building and 6 visitor bicycle parking spaces located outside at the front of the building within the public right-of-way.

A total of 12 parking spaces are proposed as roughed-in conduits for electric vehicles and also are labelled satisfying the Toronto Green Standards requirements.

No loading space is required for the site and none is provided. Solid Waste will be picked up at the curb along Bathurst Street.

## **Servicing**

A Functional Servicing Report was submitted by the applicant in support of the proposal. This report has been reviewed by Engineering and Construction Services staff who confirm there is adequate existing municipal infrastructure to service the development.

## **TTC**

The proposal was reviewed by TTC staff who confirmed a requirement for a future bus bay north of the site at 859-861 & 875 Eglinton Avenue West. The south half of the exit taper of the bus bay is located along a portion of the frontage of the site. The TTC commented that the initial plans showed a bus bay that was longer than necessary and required to be widened from 2.6 metres to 3.0 metres. The applicant revised the plans to shorten and widen the future bus bay and worked with staff to mitigate the impact of the bus bay on the streetscape as detailed below.

## **Streetscape and Public Realm**

The proposal provides a setback of 2.3 metres from the public sidewalk. The public right-of-way, including a 2.1 metre sidewalk, is approximately 6.2 metres at the southern

end of the site and narrows to approximately 3.0 metres at the northern end when a planned TTC bus lay by is constructed. The bus lay by will begin just south of Eglinton Avenue West on Bathurst Street and extend to the front of the site, accommodating multiple buses. The required TTC bus bay impacts the ability of the applicant to provide street trees while maintaining an accessible sidewalk.

Initially no street trees were proposed due to the required bus bay. The applicant worked with staff to achieve an improved streetscape that provides both soft and hard landscaping as well as a 2.1 metre pedestrian clearway along the site's frontage.

Improvements to the streetscape and public realm include one proposed street tree, two ornamental trees and vines proposed within planters abutting the front entrance columns, decorative pavers along the front of the building, and a bicycle rack for visitor bicycle parking.

The applicant will be required to secure the planters and bicycle rack within the public right-of-way as part of Site Plan Approval.

### **Tree Preservation**

The applicant has submitted an arborist report and tree preservation plan indicating that the proposed development will maintain and protect five (5) existing private trees and requests the removal of one (1) existing City tree within the public right-of-way, which is set back from the sidewalk within a front yard. The applicant proposes to plant a new street tree in the public right-of-way in addition to two (2) private trees at the rear of the site.

The Landscape Concept Plan for the proposal shows a new street tree at the south end of the site. The owner is required to submit the necessary application to Injure or Destroy Trees, and applicable fees, as well as submit a tree planting deposit to ensure the planting and survival of the new City tree on the road allowance. The details of the tree replacement plan will be secured through the Site Plan Approval process for this development.

### **Indoor and Outdoor Amenity Space**

The built form policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. City-wide Zoning By-law 569-2013 requires an overall minimum of 4 square metres of amenity space per residential unit.

The application proposes 105.48 square metres of indoor amenity area and 51 square metres of outdoor amenity area, meeting the amenity space requirements of Zoning By-law 569-2013.

The residential indoor amenity space is located in two separate rooms on the ground floor. The outdoor amenity space is located on the roof at the mechanical penthouse level. The proposal also includes an interior pet spa on the ground floor and an outdoor dog relief area at the rear of the building.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant can satisfy the parkland dedication requirement through cash-in-lieu. The non-residential nature of this proposal is subject to a 2% parkland dedication, while the residential use is subject to 10%.

The amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Zoning By-law for automobile infrastructure, bicycle infrastructure and storage and collection of recycling and organic waste.

## **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A Community Services and Facilities Study was prepared by the applicant which concluded that the area is well-served by a number of community services and facilities and proposed no community services or facilities as part of the application.

Staff are satisfied by the study's conclusion that the future residents of the building will have appropriate access to community services and facilities .

### **Construction Management Plan**

A Construction Management Plan (CMP) was submitted as part of the Site Plan application that is currently under review. Staff will consider the CMP and provide comments to the applicant as part of the Site Plan Approval process.

### **School Board**

The Toronto District School Board (TDSB) advises that the subject site is located within the attendance boundary of schools that do not have sufficient capacity to accommodate anticipated students and advised that the accommodation status would need to be conveyed to future residents that children from this development would not be displacing existing students in the local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. At this time, the schools anticipated to serve the development are unknown.

### **Noise and Vibration Mitigation**

The applicant retained Valcoustics Canada Ltd. (VCL) to prepare a technical Letter of Opinion, dated October 19, 2018 relating to environmental noise and vibration impact from the environment on the subject site. The noise impact has been assessed in the context of the MECP noise guidelines NPC-300, Stationary and Transportation Sources – Approval and Planning, August 2013 (Reference 2).

VCL identified the future Eglinton LRT which is currently under construction, as the only significant source of ground-borne vibration in the vicinity with potential to impact on the development. VCL concluded that ground borne vibration from the tangent track in the vicinity of subject site would meet the TTC vibration guideline limit at the LRT right-of-way. Note the TTC vibration guideline limit is lower (i.e., more stringent) than the FCM/RAC guideline limit. Thus, it can be concluded that the vibration limit of the FCM/RAC guidelines and TTC guidelines would be met at the subject site. Vibration mitigation measures are not considered mandatory for the proposed development.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. The proposed gross floor area of 4,632 square metres fall below the density threshold.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), the matters of Provincial interest in the Planning Act, the Toronto Official Plan and the Mid-Rise Building Performance Standards and Addendum. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2019). Furthermore, the proposal conforms with Toronto Official Plan, particularly as it relates to the *Mixed Use Areas* policies. Staff worked with the applicant and the community to address and resolve key concerns of building massing and transition to adjacent *Neighbourhoods*. The proposal provides an appropriate number of family-sized units; is compatible with the surrounding context; and consists of live/work units at grade along Bathurst Street.

## **CONTACT**

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Tel. No. 416-338-2478  
E-mail: [Sipo.Maphangoh@toronto.ca](mailto:Sipo.Maphangoh@toronto.ca)

## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning,  
Toronto and East York District

## **ATTACHMENTS**

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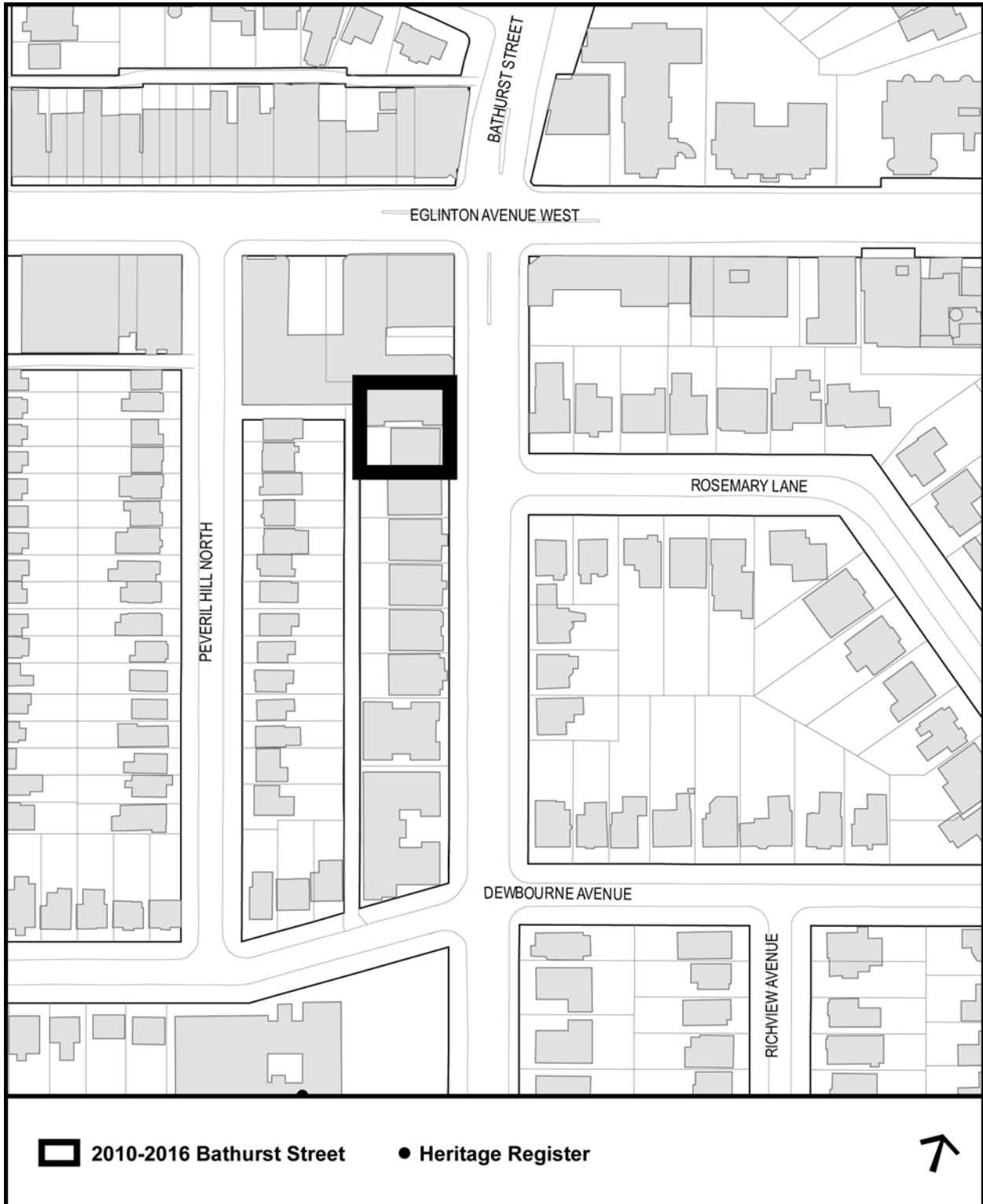
### **City of Toronto Data/Drawings**

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Official Plan Amendment
- Attachment 6: Draft Zoning By-law Amendment - 569-2013
- Attachment 7: Draft Zoning By-law Amendment - 1-83

### **Applicant Submitted Drawings**

- Attachment 8: Site Plan
- Attachment 9: North and East Elevations
- Attachment 10: South and West Elevations
- Attachment 11: 3D Massing Model View

Attachment 1: Location Map



Attachment 2: Application Data Sheet

**Municipal Address:** 2010-2016 Bathurst Street  
**Date Received:** October 23, 2018  
**Application Number:** 18 246984 STE 21 OZ  
**Application Type:** Official Plan Amendment & Rezoning

**Project Description:** Zoning By-law and Official Plan Amendment application to permit the redevelopment of the site with an 8-storey mixed-use building containing 26 dwelling units.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Mac Naughton Hermsen Britton Clarkson Planning Ltd (MHBC)	David McKay MHBC	RAW Architects	Michel Abdi

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 44
Zoning:	RM (u3) (x253) & CR SS2 (x2630)	Heritage Designation:	N
Height Limit (m):	8-storeys or 25.5 metres	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq m): 937                      Frontage (m): 30                      Depth (m): 30

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	599		450	450
Residential GFA (sq m):	442		4,632	4,632
Non-Residential GFA (sq m):	756			
Total GFA (sq m):	1,198		4,632	4,632
Height - Storeys:	2		8	8
Height - Metres:			29.65	29.65

<b>Lot Coverage Ratio (%)</b> :	48.03	<b>Floor Space Index:</b>	5.02
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<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	4,576	

Retail GFA:  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	4			
Freehold:				
Condominium:			26	26
Other:				
<b>Total Units:</b>	<b>4</b>		<b>26</b>	<b>26</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:			12	11	3
Total Units:			12	11	3

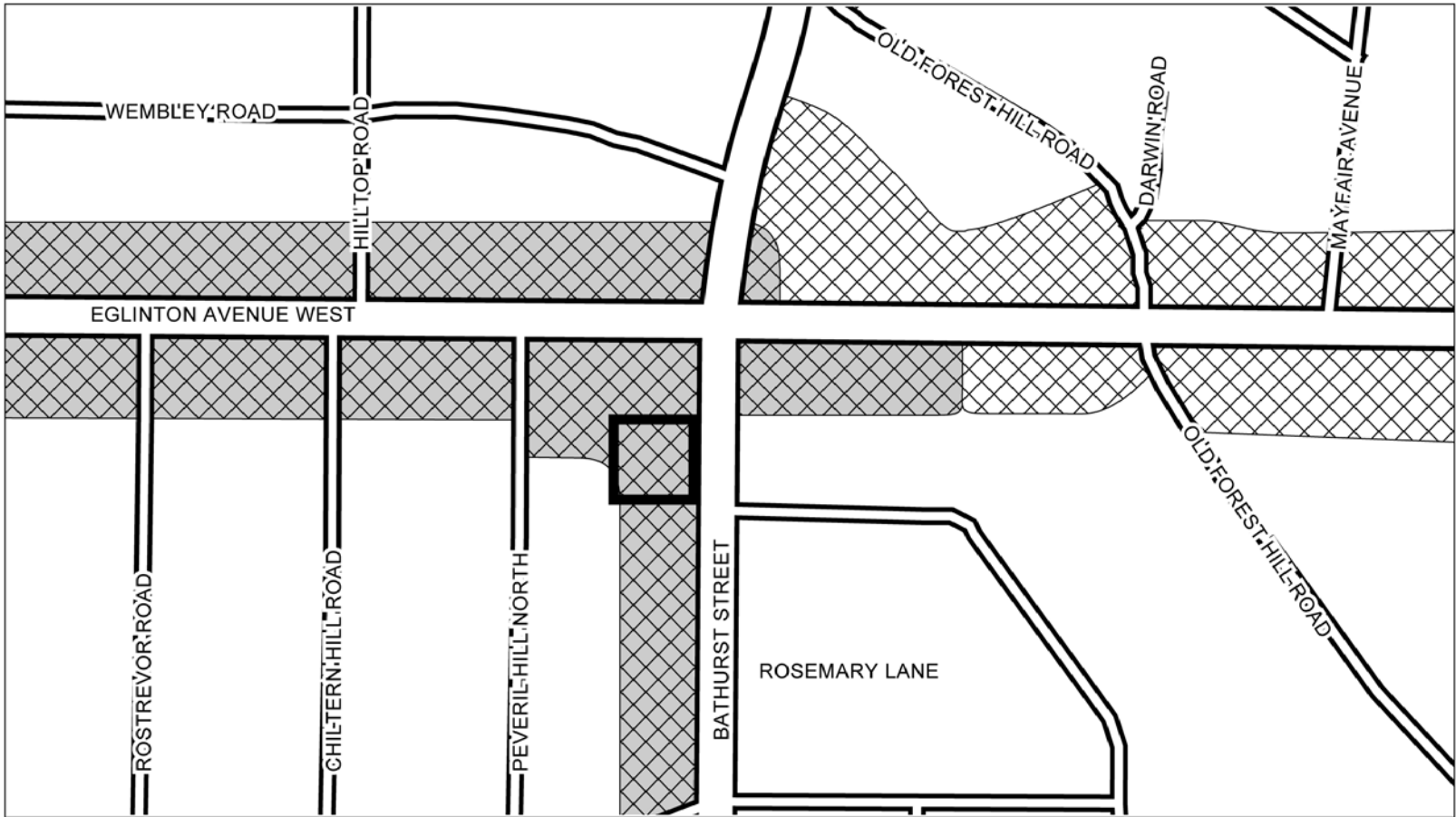
**Parking and Loading**

Parking Spaces: 40      Bicycle Parking Spaces: 23      Loading Docks: 0

**CONTACT:**

Sipo Maphangoh, Senior Planner  
 416-338-2478  
 Sipo.Maphangoh@toronto.ca





Official Plan Land Use Map #17

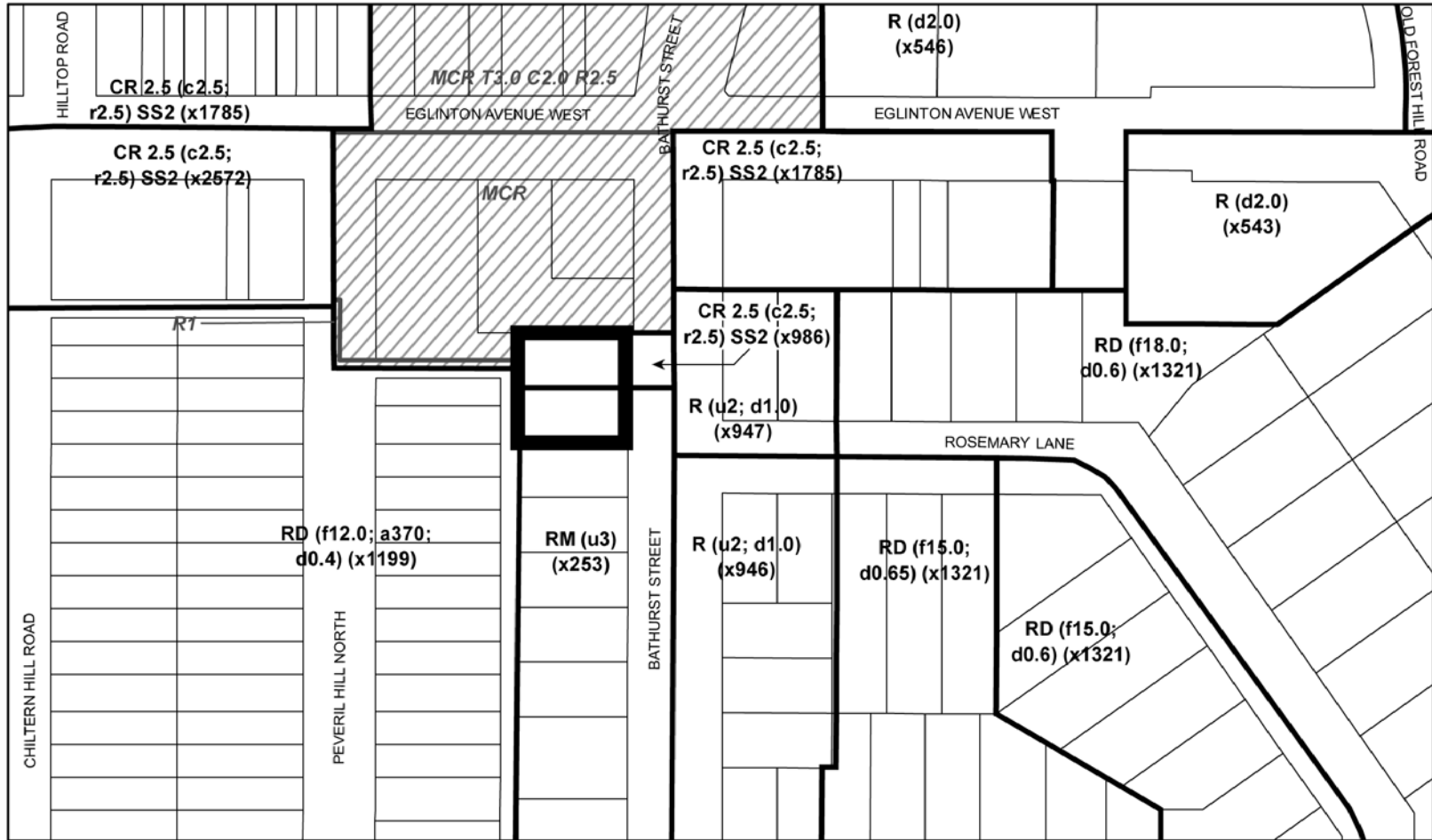
2010-2016 Bathurst Street

File # 18 246984 STE 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas



Not to Scale  
01/21/2019



Zoning By-law 569-2013

2010-2016 Bathurst Street

File # 18 246984 STE 21 0Z



Location of Application

- R Residential
- RD Residential Detached
- RM Residential Multiple
- CR Commercial Residential



See Former City of York By-Law No. 1-83

- R1 Residential Zone
- MCR Mixed Commercial Residential Zone

See Former City of Toronto By-Law No. 438-86

- MCR Mixed-Use District



Not to Scale  
Extracted: 01/21/2019

Attachment 5: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~ BY-LAW ~ -2019**

To adopt Amendment No. 466 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2019 as 2010 Bathurst Street.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*,

The Council of the City of Toronto enacts:

1. The attached Amendment No. 466 to the Official Plan is adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## AMENDMENT NO. 466 TO THE OFFICIAL PLAN

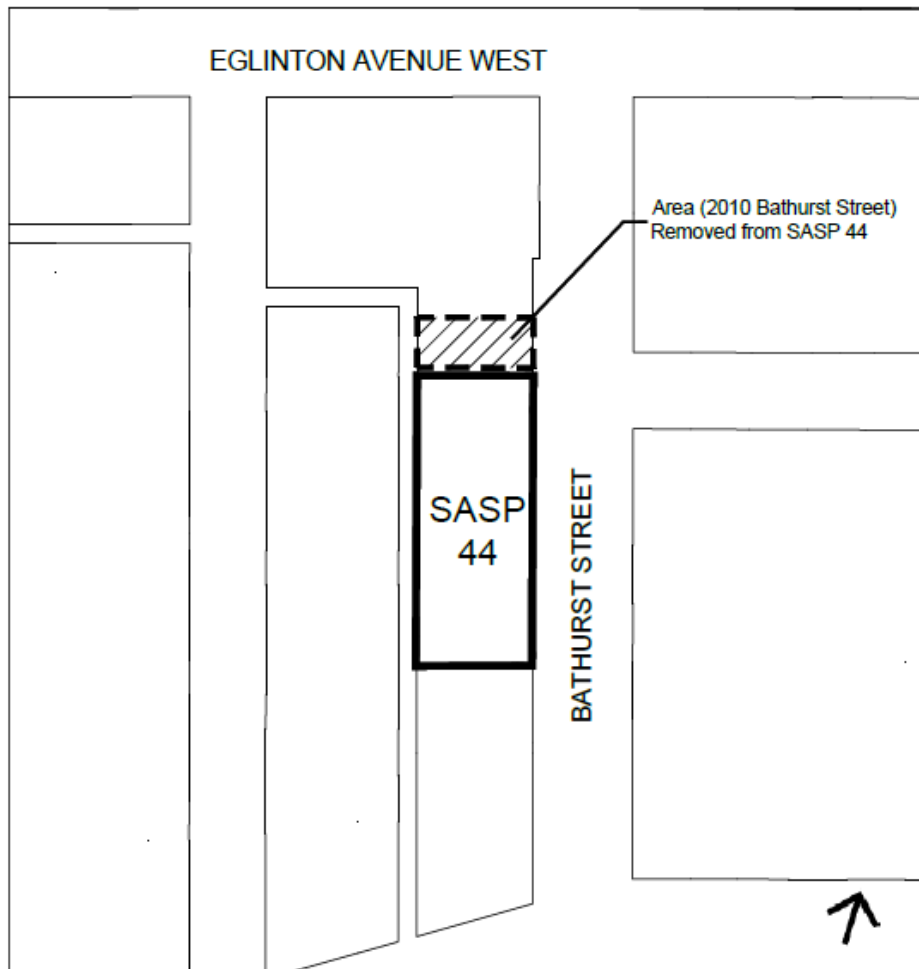
### LANDS MUNICIPALLY KNOWN IN THE YEAR 2019 AS 2010 BATHURST STREET

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7 is amended by removing Site and Area Specific Policy No. 44 for the lands known municipally in 2019 as 2010 Bathurst Street:

“44. 2000 - 2008 Bathurst Street

Commercial uses will be restricted to offices in house form buildings.”



2. Chapter 7, Map 28, Site and Area Specific Policies, is amended to remove the lands known municipally in 2019 as 2010 Bathurst Street shown on the map above.

CITY OF TORONTO

BY-LAW No. \_\_\_\_-2019

**To amend the City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands known municipally in the year 2018 as 2010-2016 Bathurst Street**

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is amended by amending the zone label on the Zoning By-law Map in Chapter 990.10 respecting the lands outlined by heavy blacklines to CR 5.0 (C0.30, R4.70) SS2 (x217) [**City Clerk to administratively assign Exception #**], as shown on Diagram 2 attached to this By-law;
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands to subject to this by-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 24, ST 8.0 as shown on Diagram 3 attached to this By-law;
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 a Exception Number 217, so that it reads:

**Exception CR 217**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) Despite regulation 40.10.40.10(2) the permitted maximum height of a **building or structure**, is specified by the numbers following the symbol HT, as shown on Diagram 4 attached to this by-law;

(B) Despite regulation 40.10.40.40(1), the maximum permitted **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 4,800 square metres, of which:

(i) Residential uses must not exceed 4,680 square metres; and

(ii) Non-residential uses must not exceed 120 square metres;

(C) Despite regulation 40.5.40.10(1), the height of the **building** is the distance between Canadian Geodetic Datum elevation of 171.11 metres and the elevation of highest point of the building;

(D) Despite regulation 40.5.40.10(4) the following may project above the permitted maximum height:

(i) elevator overruns, mechanical equipment, and stair enclosures a maximum of 6.0 metres;

(ii) terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, a maximum of 3.0 metres;

(E) Regulation 40.10.40.1(1) does not apply, except that non-residential uses must be located on the first **storey** of the **mixed use building** and must be fronting on Bathurst Street, and a maximum of **two dwelling units** are permitted to front onto Bathurst Street.

(F) Despite regulations 40.10.40.70(2), the required minimum **building setbacks** are as shown on Diagram 5, of this By-law -2018 [**Clerks to insert by-law #**];

(G) Despite regulations 40.10.40.70(2)(E) and 40.10.40.70(2)(G) a **building** or **structure** complying with the **heights** and **setbacks** as shown on Diagram 4 and Diagram 5, of this By-law -2018 [**Clerks to insert by-law #**], is permitted to penetrate the required 45 degree angular plane.

(H) Regulation 40.10.50.10(2) with respect to fencing along the **lot line** between the Residential Zone category and the subject lands, does not apply;

(I) Regulation 40.10.50.10(3) with respect to a minimum of 1.5 metres wide strip of **soft landscaping** along the **lot line** between the Residential Zone category and the subject lands, does not apply;

(J) Despite Clause 200.5.1.10(12)(A) the **vehicle** entrance and exit for a two-way **driveway** into and out of the **building** will have a minimum width of 4.5 metres at the garage door and 4.7 metres along the ramp;

(K) Despite Clause 200.15.1.5(1) accessible **parking spaces** must be provided below ground on the **lot**, and be located closest to an accessible elevator connected to the main pedestrian entrance to the **building**;

(L) Despite regulation 230.5.10.1(4) and (5) a minimum of 23 long-term **bicycle parking spaces** and zero short-term **bicycle parking spaces** must be provided and maintained within the **building**;

(M) The provision of **dwelling units** is subject to the following:

(i) a minimum of 25% of all **dwelling units** on the lot must be 2- or more bedroom dwelling units;

(ii) a minimum of 10% of all **dwelling units** on the lot must be 3- or more bedroom dwelling units; and

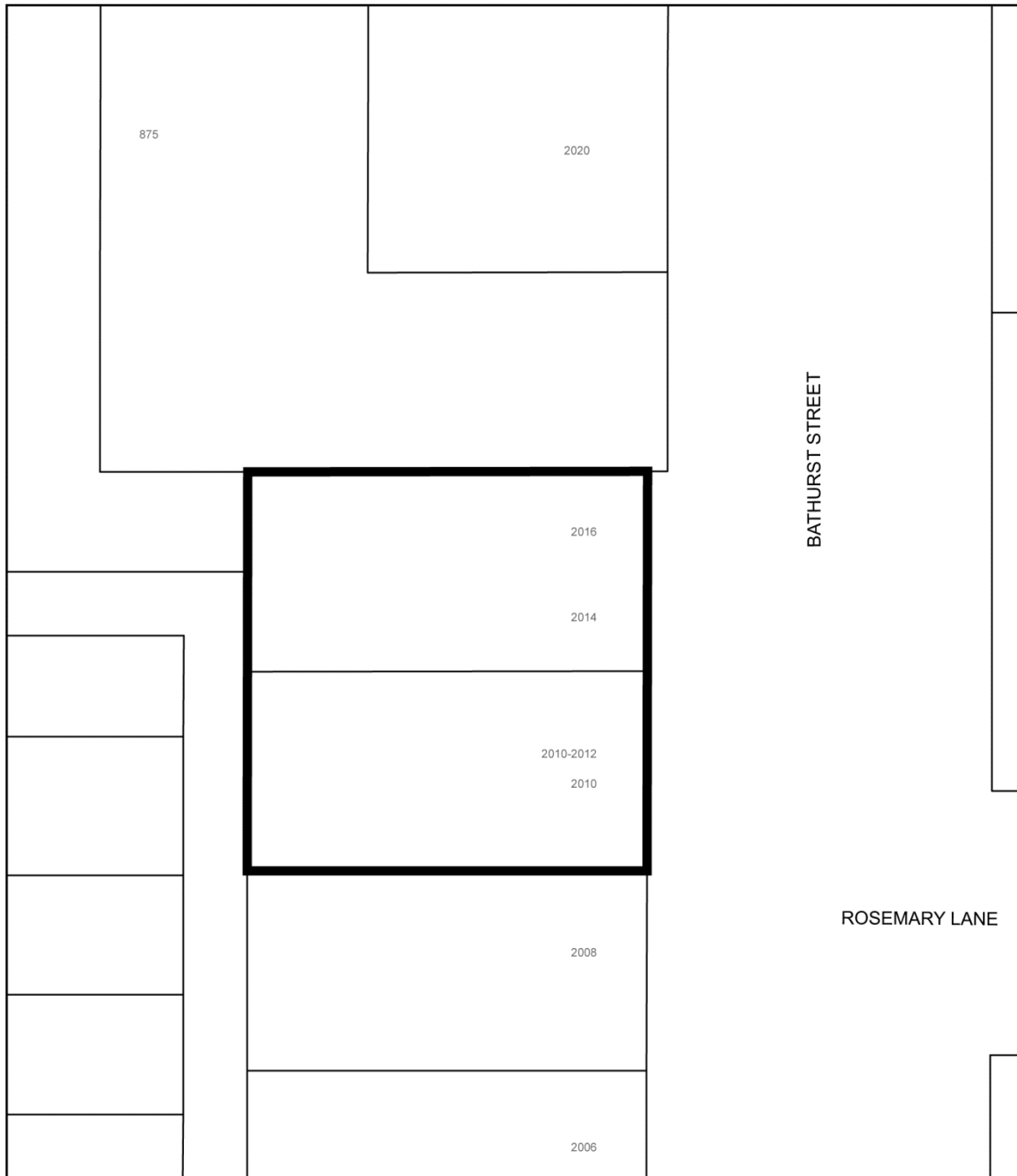
(iii) if the calculation of the number of required **dwelling units** pursuant to (i) and (ii) above results in a number with a fraction, the number is rounded down to the nearest whole number;

Enacted and Passed on ~

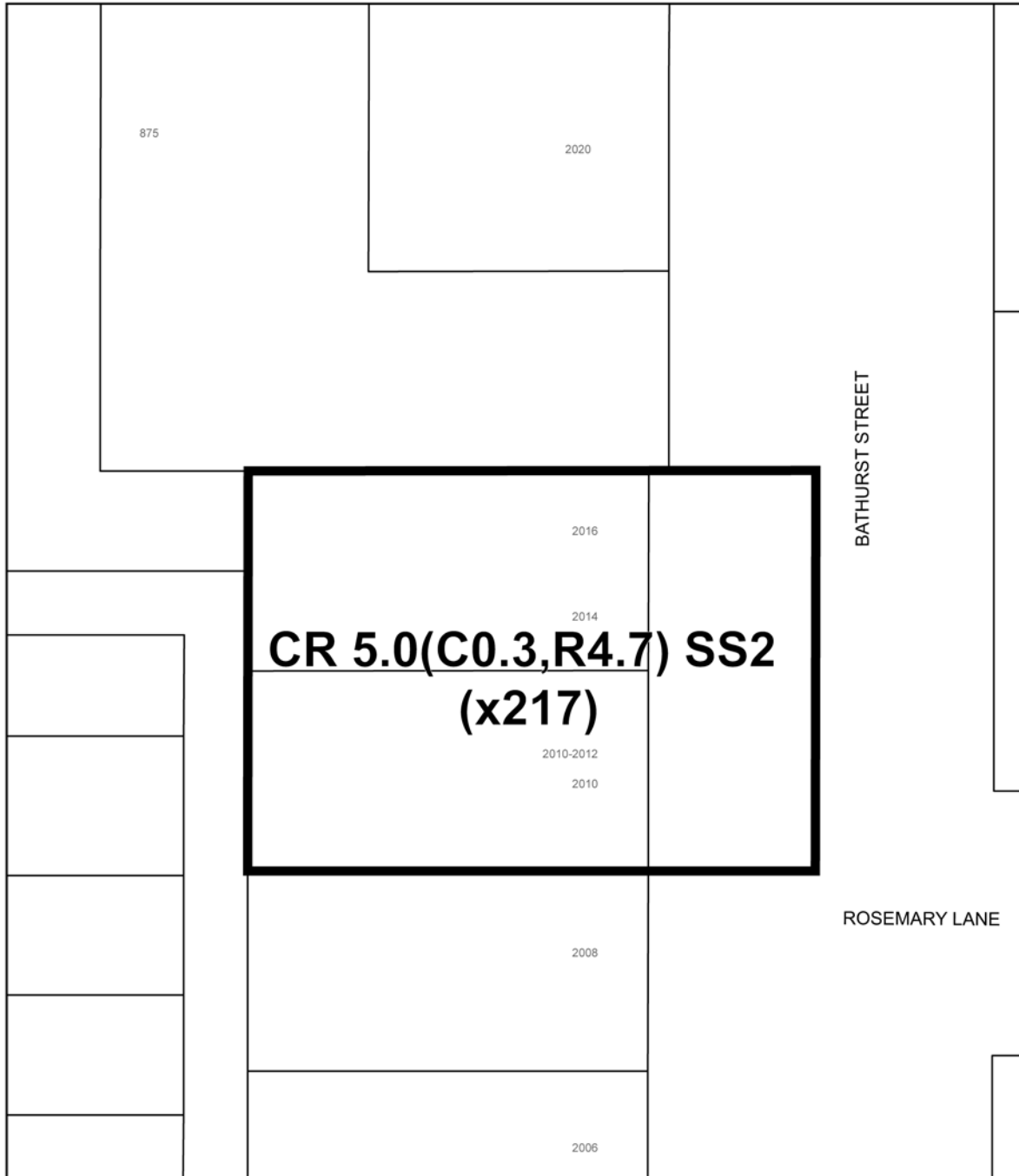
Deputy Speaker

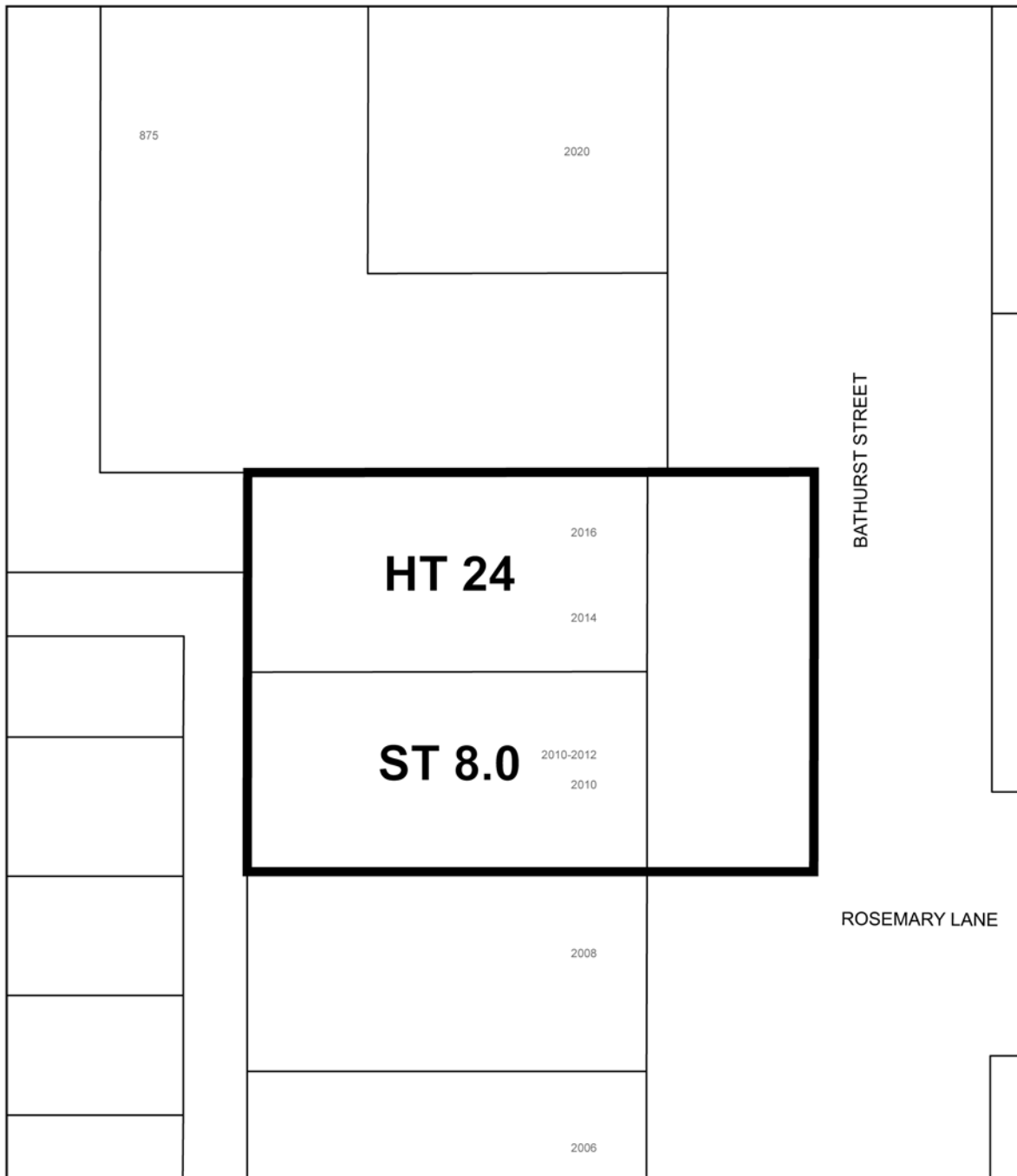
Ulli S. Watkiss,  
City Clerk

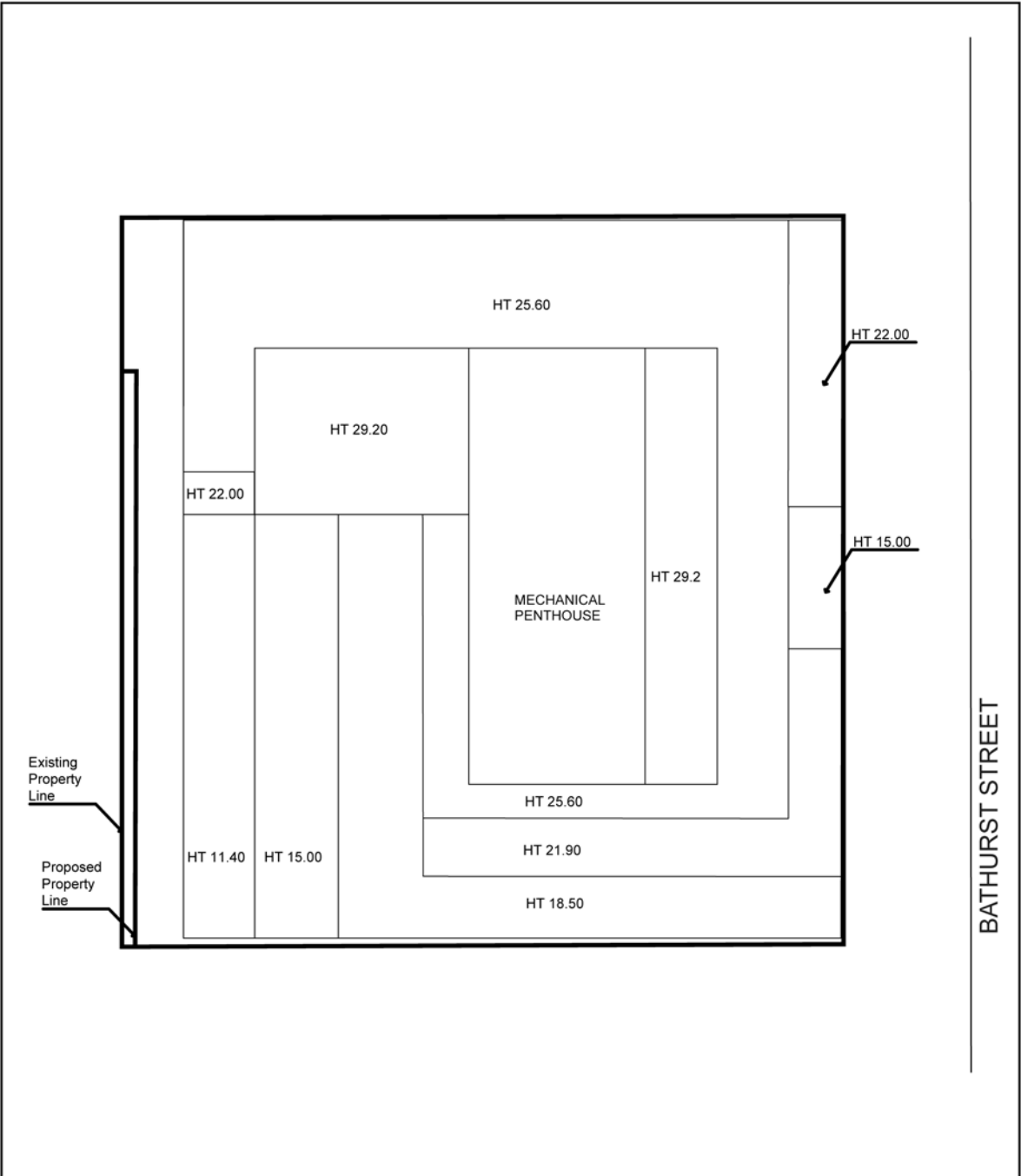
(Seal of the City)

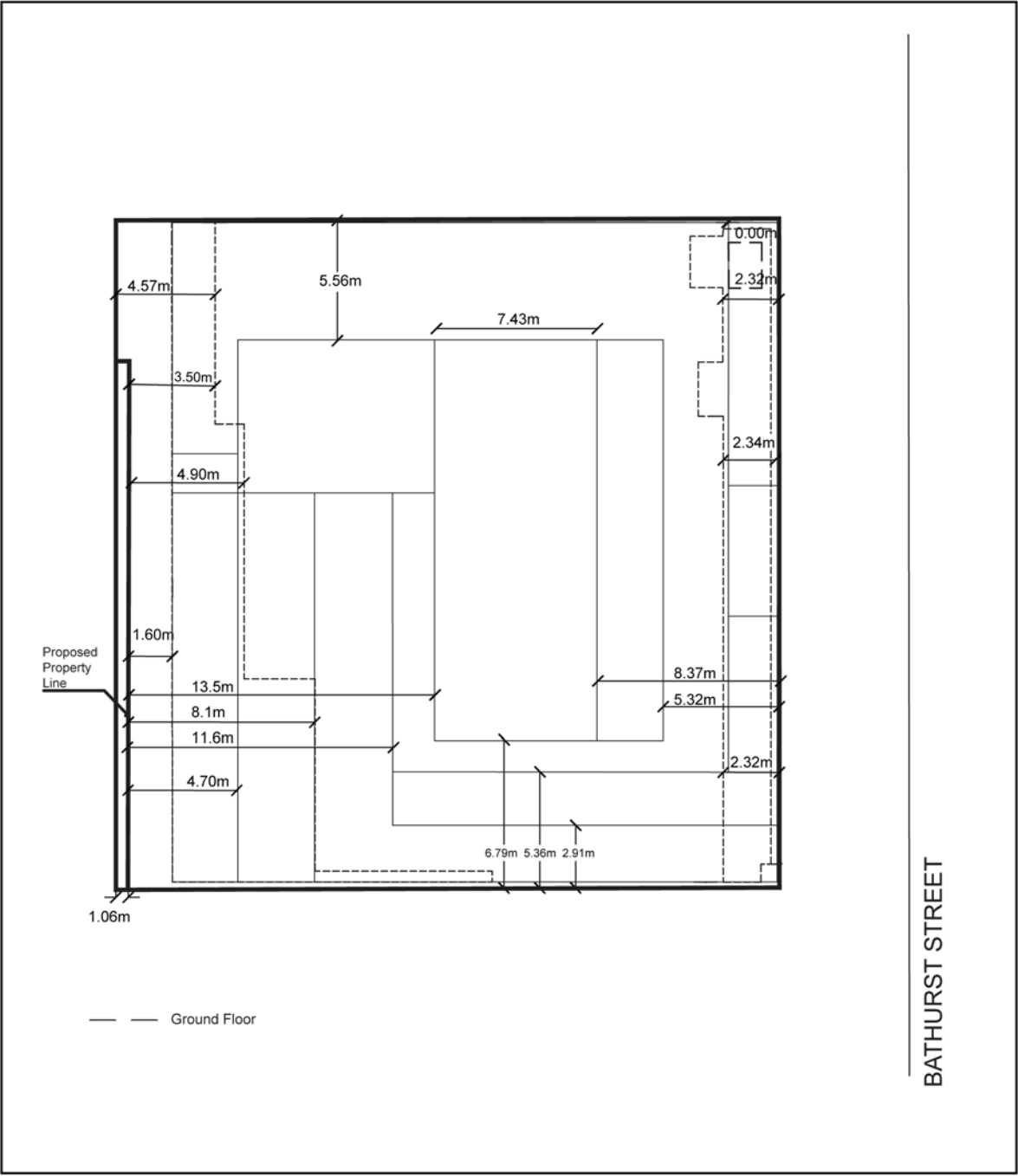












**TORONTO**  
**Diagram 5**

**2010-2016 Bathurst Street**

File # 18 246984 STE 21 0Z

City of Toronto By-law 569-2013  
 Not to Scale  
 7/9/2019

**CITY OF TORONTO**

**BY-LAW No. \_\_\_\_-2019**

**To amend the former City of York Zoning By-law No. 1-83, as amended, with respect to the lands known municipally in the year 2018 as 2010-2016 Bathurst Street**

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

**SECTION 6 AMENDED**

1. That Section 6 Amendments of Use Districts and District Maps of former City of York Zoning By-law 1-83, as amended, be further amended by adding a new Subsection (77) as follows:

**"(77) Lands - 2010-2016 Bathurst Street"**

By changing the area shown on District Map 15 comprising of the lands shown on Schedule A from a R3 - Residential Zone and MCR - Main Street Commercial/Residential Zone and Section 16 (123) to a MCR - Main Street Commercial/Residential Zone and Section 16 (464).

**SECTION 16 AMENDED**

2. That Section 16 General Exceptions of former City of York Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (464) as follows:

**"(464) Lands - 2010-2016 Bathurst Street"**

Notwithstanding the provision of former City of York Zoning By-law No. 1-83, the *lot*, as delineated by heavy lines on Schedule A attached to and forming part of this By-law, and municipally known as 2010-2016 Bathurst Street in the year 2019, may be used for the purpose of a *mixed-use* building, provided that the following provisions are complied with:

**MAXIMUM GROSS FLOOR AREA**

(a) The total *gross floor area* of all *buildings* and *structures* on the *lot* shall not exceed 4,800 square metres, provided that:

- i. The total residential *gross floor area* erected or used on the *lot* does not exceed 4,680 square metres;
- ii. The total non-residential *gross floor area* erected or used on the *lot* does not exceed 120 square metres;

### **MAXIMUM NUMBER OF UNITS**

- (b) The maximum number of *dwelling units* is twenty-six (26);

### **UNIT MIX**

- (c) A minimum of:
  - i. 25% of all *dwelling units* on the *lot* must be 2- or more bedroom dwelling units; and,
  - ii. 10% of all *dwelling units* on the *lot* must be 3- or more bedroom dwelling units;
  - iii. if the calculation of the number of required *dwelling units* pursuant to (c)(i) and (c)(ii) above results in a number with a fraction, the number is rounded down to the nearest whole number.

### **BUILDING HEIGHT**

(c) The *height* of the *building* shall not exceed the maximum *height* in metres measured from *established grade* shown on Schedule B excluding: equipment serving the building, elevator overruns, vents, chimneys, equipment for heating, cooling or ventilating, mechanical penthouse and lightning rods, which may project a maximum of 6.0 metres above the *height* limits shown on Schedule B;

(d) The *height* of the *building* shall not exceed the maximum *height* in metres measured from *established grade* shown on Schedule B, excluding: eaves, decorative architectural features, light fixtures, parapets, terraces, window washing equipment, safety railings, bollards, cornices, parapets, roof drainage, and architectural features, which may project a maximum of 3.0 metres above the *height* limits shown on Schedule B;

### **YARD SETBACKS**

(e) The minimum *yard* setbacks shall be as shown on Schedule C except that canopies, awnings, heating, cooling or ventilating equipment, ornamental elements, lighting fixtures, parapets, eaves, architectural features, shall be permitted to encroach a maximum of 1.5 metres beyond the heavy lines shown on Schedule C, attached;

### **PARKING**

- (f) A minimum of 35 residential *parking spaces* must be provided on the *lot*;
- (g) A minimum of 5 visitor *parking spaces* shall be provided and maintained on the *lot*;

(h) A *parking space* shall be subject to the following conditions:

i. A *parking space* shall be a minimum of 2.6 metres wide and a minimum of 5.6 metres long;

ii. Where a *parking space* is limited by a wall or other permanent obstruction the *parking space* minimum width is increased by 0.3 metres for each side of the space that is obstructed;

(i) An *accessible parking space* shall be a minimum of 3.9 metres wide and a minimum of 5.6 metres long;

## **BICYCLE PARKING**

(j) A minimum of 23 *long-term bicycle parking spaces* shall be provided and maintained on the *lot*;

(k) A minimum of zero *short-term bicycle parking spaces* shall be provided and maintained on the *lot*;

(l) *Long-term Bicycle parking spaces* shall be located within a secured room, or within an underground parking structure on the first level below ground, or a combination thereof.

(m) *Short-term bicycle parking spaces* shall be located within a secured room, or within an underground parking structure on the first level below ground, or outdoors and uncovered or a combination thereof.

## **AMENITY**

(n) Indoor and outdoor *residential amenity space* shall be provided and maintained on the *lot* at a minimum of 157 square metres combined;

## **REFUSE HANDLING**

(o) Refuse for all dwelling units on the *lot* shall be stored and maintained in the refuse rooms within the interior of the *building*;

## **DEFINITIONS**

(p) For the purposes of this Exception, each word or expression that is italicized shall have the same meaning as defined in Zoning By-law 1-83, except for the following:

i. "*lot*" means the lands delineated with heavy lines in Schedule A;

ii. "*established grade*" means an elevation of 171.11 metres Canadian Geodetic Datum;

iii. "*height*" means the vertical distance between established grade and the highest point of the building or structure, excluding those elements otherwise expressly prescribed in this By-law;

iv. "*gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level.

For the purpose of this exception, the "*gross floor area*" of a *mixed-use* building is reduced by the area in the *building* used for:

(a) *parking spaces* and *bicycle parking spaces* below ground level;

(b) required *bicycle parking spaces* at or above-ground;

(c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

(d) shower and change facilities required by this By-law for required *bicycle parking spaces*;

(e) elevator shafts;

(f) mechanical penthouse; and

(g) exit stairwells in the *building*;

v. "*residential amenity space*" means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of the building on the *lot* for recreational and social activities;

vi. "*bicycle parking space*" means an area used for parking or storing a bicycle and;

(a) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.45 metres by 1.8 metres and a vertical dimension of at least 1.9 metres and does not encroach into a parking space;

b) Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres and does not encroach into a parking space;

vii. "*long-term bicycle parking space*" means an area with *bicycle parking spaces* that is equipped with a bicycle rack or locker for residents of the building for the purpose of parking and securing bicycles;

viii. "*short-term bicycle parking space*" means an area with *bicycle parking spaces* that is equipped with a bicycle rack or locker for visitors of the building for the purpose of parking and securing bicycles;



ix. "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* with horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.2 metres and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*;

x. "*mixed use building*" means a building with both residential and non-residential uses;

xi. "*accessible parking space*" means an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle.

## **OTHER PROVISIONS**

Section 3.2.1(v), 3.2.2, 3.3, 3.4.7, and 16(123) of the former City of York Zoning By-law 1-83, as amended, shall not apply.

The provisions of this exception shall apply collectively to the lands notwithstanding the future severance, partition, or division of the lands.

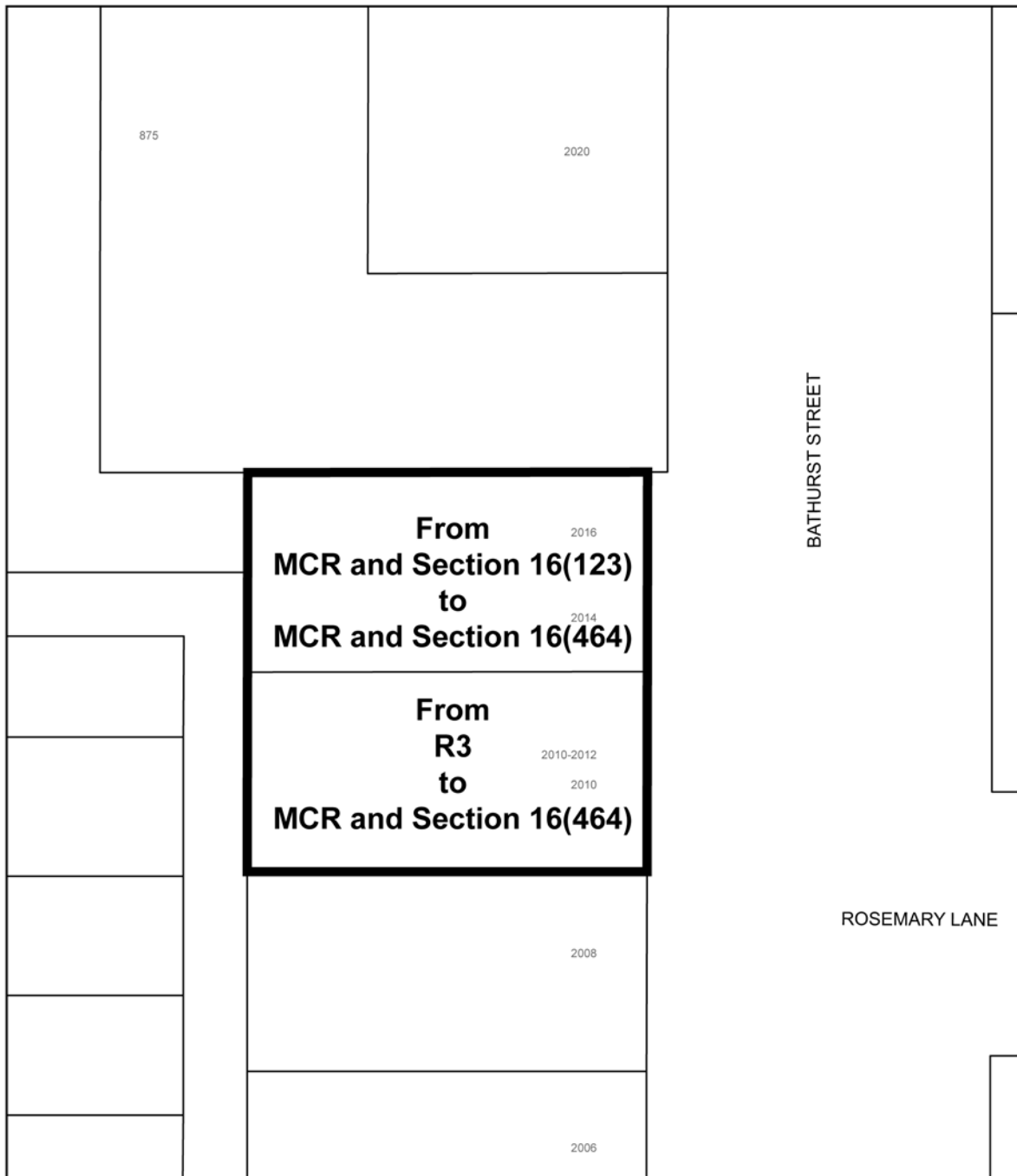
All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict in which case the provisions of this Exception shall prevail.

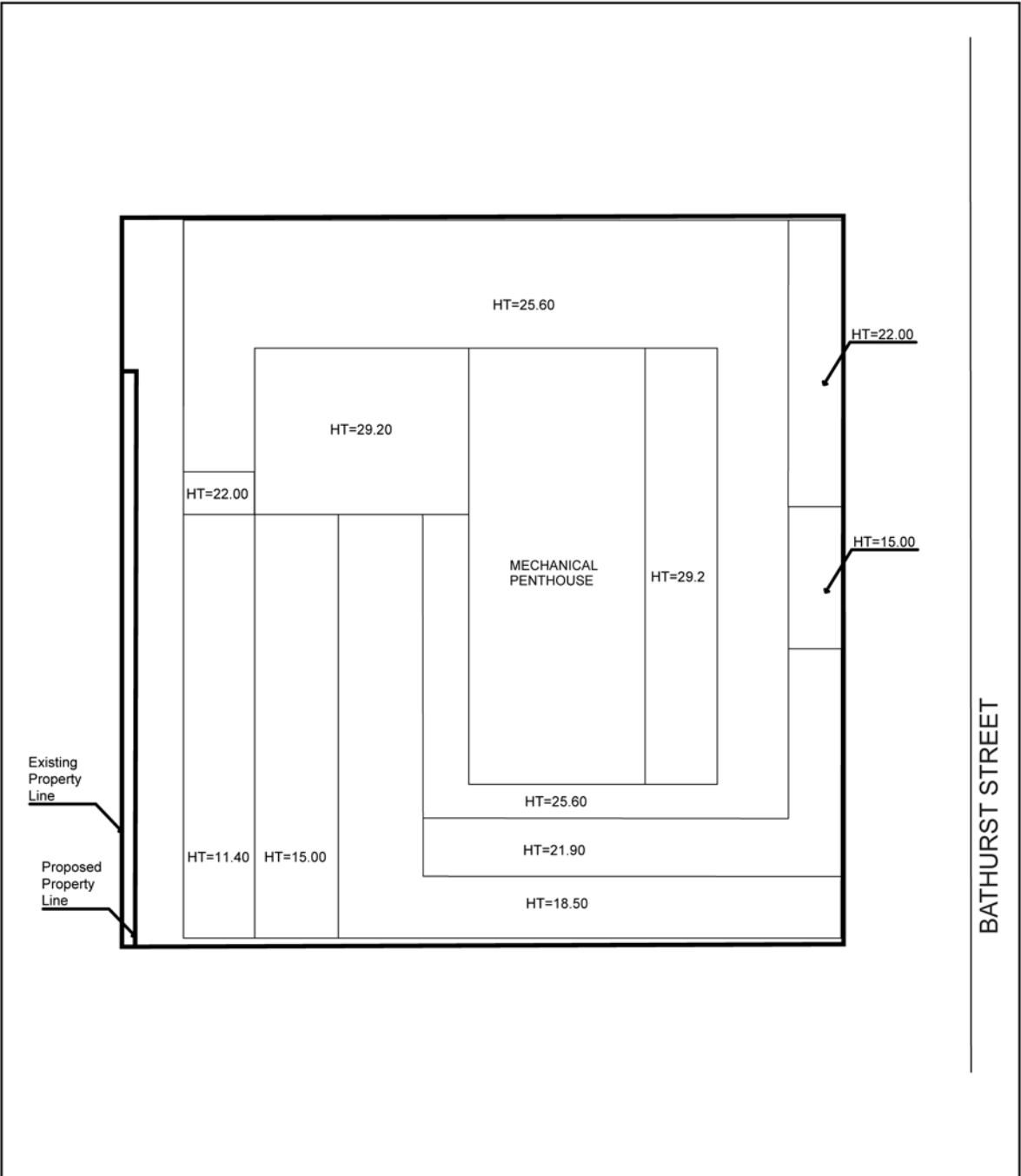
Enacted and Passed on ~

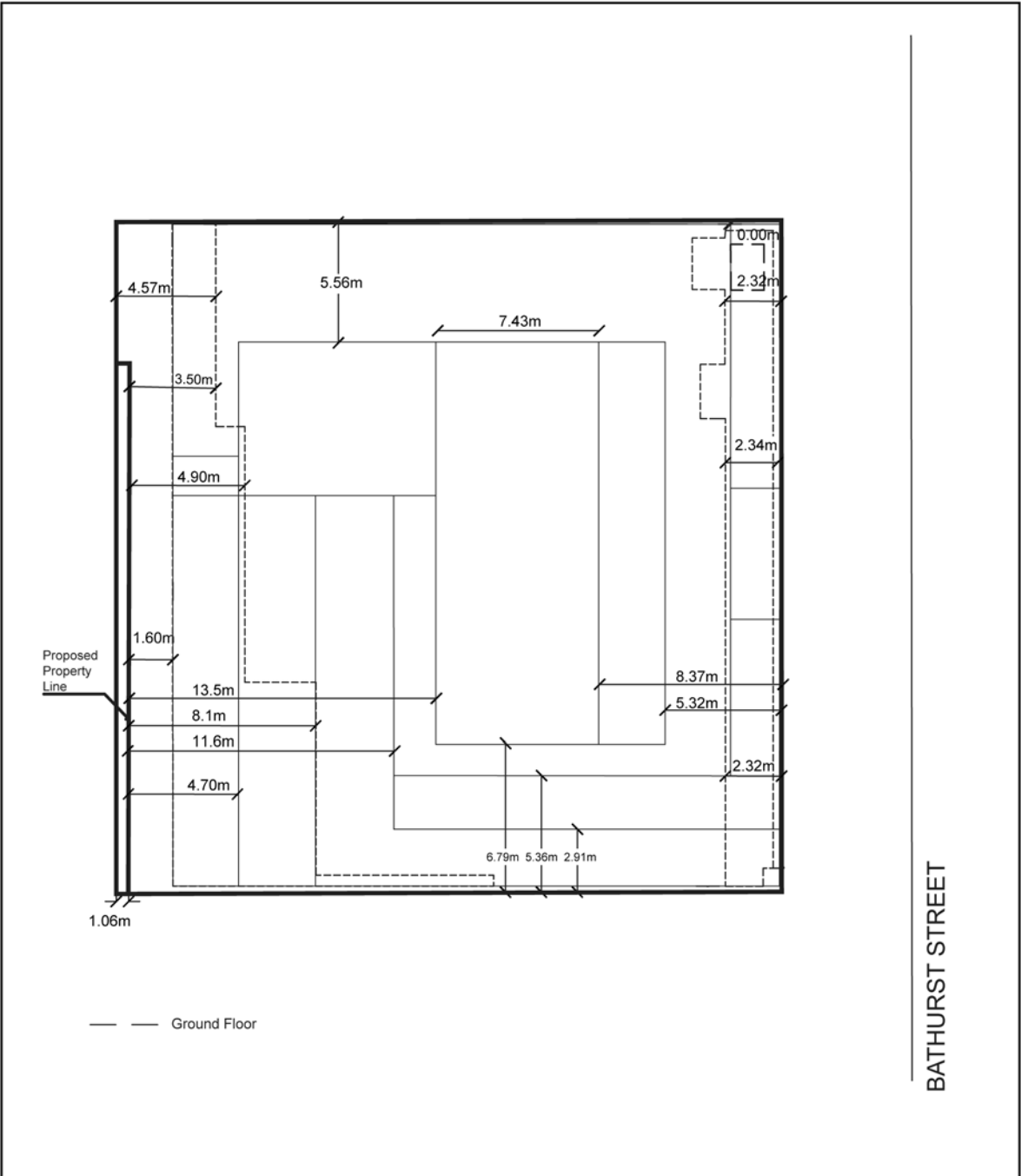
Deputy Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

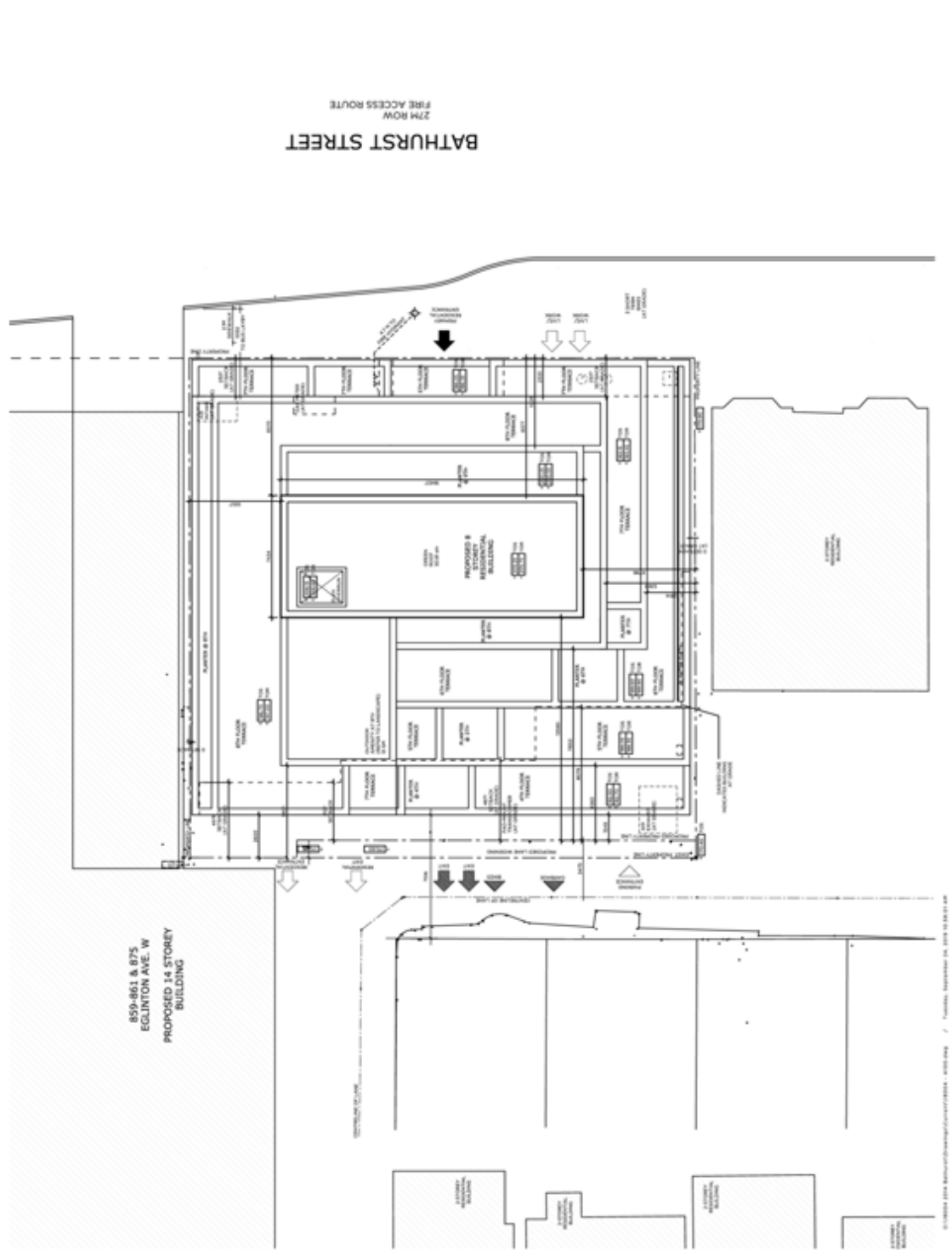






BATHURST STREET

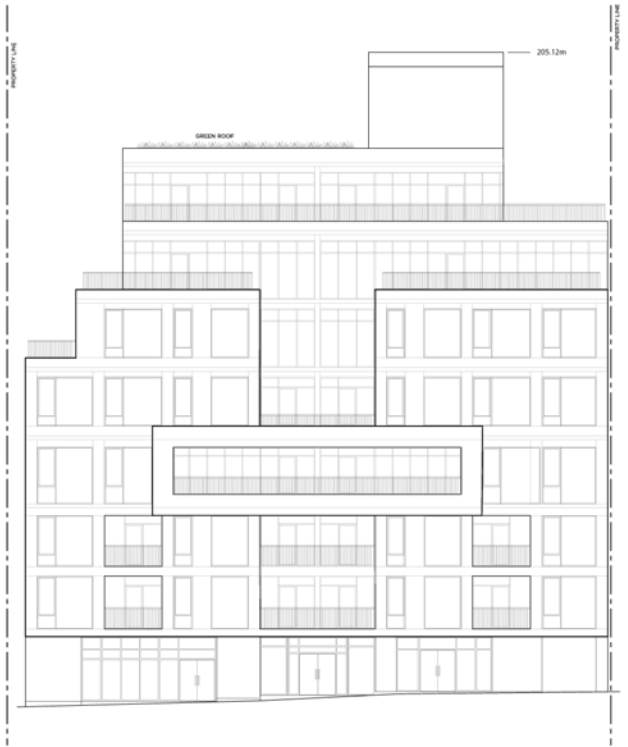
Attachment 8: Site Plan



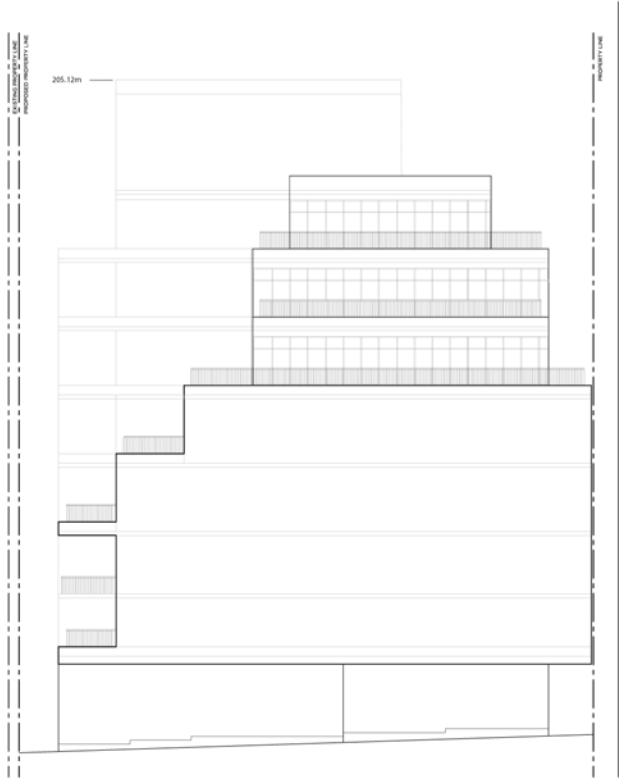
2010-2016 Bathurst Street

File # 18 246984 STE 21 0Z

**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
01/21/2019



EAST ELEVATION



NORTH ELEVATION

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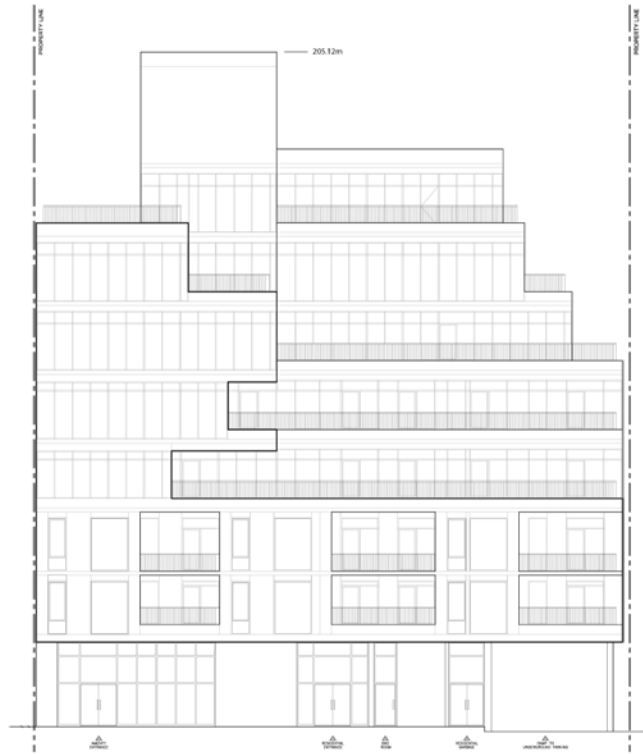
## North and East Elevations

Applicant's Submitted Drawing

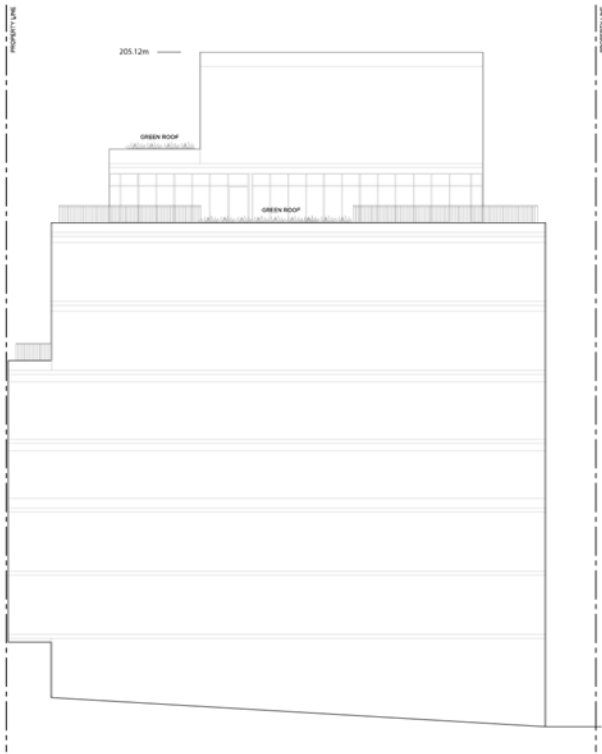
Not to Scale  
07/09/2019

2010-2016 Bathurst Street

File # 18 246984 STE 21 0Z



WEST ELEVATION



SOUTH ELEVATION

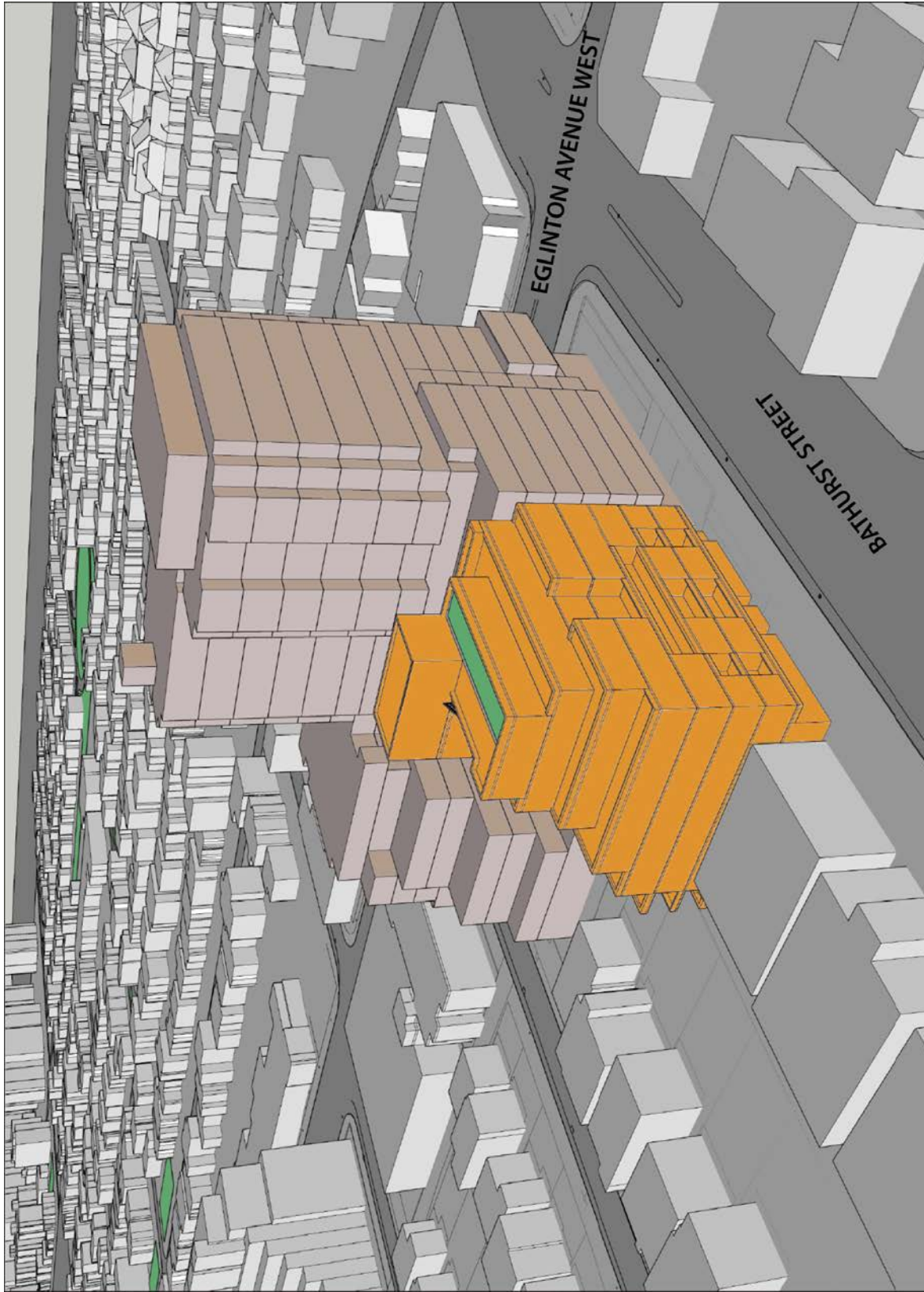
## South and West Elevations

Applicant's Submitted Drawing

Not to Scale  
07/09/2019

2010-2016 Bathurst Street

File # 18 246984 STE 21 OZ



View of Applicant's Proposal Looking North-west